

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CLIFFORD L. RUCKER,	:	Case No. 1:17-cv-823
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Litkovitz
vs.	:	
POLICE OFFICER HARDY, <i>et al.</i> ,	:	
Defendants.	:	
	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 30)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 20, 2018, submitted a Report and Recommendation. (Doc. 30). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Defendants Holman and The Kroger Company (“Kroger”)'s motion to dismiss the complaint under Fed. R. Civ. P. 12(b)(6) (Doc. 9) is **GRANTED** as to Plaintiff's claims brought against these Defendants Holman and Kroger under 42 U.S.C. § 1983;

- 2) Defendants Holman and Kroger's motion to dismiss the complaint under Fed. R. Civ. P. 12(b)(6) (Doc. 9) is **DENIED** as to Plaintiff's claims brought against Defendants Holman and Kroger under 42 U.S.C. § 2000a and Ohio Rev. Code § 4112.02(G); and
- 3) Plaintiff's motion for leave to amend the complaint (Doc. 16) is **GRANTED** in part and Plaintiff is granted leave to amend his claims under 42 U.S.C. § 2000a and Ohio Rev. Code § 4112.05(B)(1) to clarify whether he has exhausted his administrative remedies.

IT IS SO ORDERED.

Date: 8/22/18

T. Black
Timothy S. Black
United States District Judge